

Serial No. 10/765,401

REMARKS

The Office action dated November 4, 2005 and the cited references have been carefully considered.

Status of the Claims

Claims 12-23 are pending. Claims 1-11 and 23-29 are withdrawn.

Claims 18-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the method of claim 18, as presented, allegedly would not produce just any polymeric composition of claim 12. Claim 18 is amended to recite that the polymeric composition is produced from one or more prepolymer precursors having the formula recited in claim 12 and one or more recited monomers. Therefore, this rejection is now overcome.

Claims 12 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Broer (U.S. Patent 4,718,748). The Applicants respectfully traverse this rejection for the reasons set forth below.

Claims 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants wish to thank the Examiner for indicating that claims 13-17 would be allowable. The Applicants will show below that claim 12 (and also claim 18) is patentable over Broer, and, therefore, claims 13-17 are also patentable. Consequently, claims 13-17 are not now amended to become independent claims.

Claim Rejection Under 35 U.S.C. § 102

Claims 12 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Broer. The Applicants respectfully traverse this rejection because Broer does not disclose each and every element of each of claims 12 and 18.

Serial No. 10/765,401

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a *single* prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). "Every element of the claimed invention must be *literally* present, arranged as in the claim. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Broer discloses only polysiloxanes having terminal groups (R_1 and R_2) selected from the group consisting of alkyl groups, aryl groups, and acrylate-containing alkyl groups.

In contradistinction, claims 12 and 18 recite polysiloxanes having terminal groups of OH or NH_2 . Therefore, Broer does not disclose each and every limitation of each of claims 12 and 18.

Since Broer does not disclose each and every limitation of claims 12 and 18, Broer does not anticipate these claims and all claims dependent therefrom.

In view of the above, it is submitted that the claims are patentable and in condition for allowance. Reconsideration of the rejection is requested. Allowance of the claims at an early date is solicited.

Respectfully submitted,



Toan P. Vo, Ph.D.
Attorney for the applicants
Registration No. 43,225
585-338-8071

Bausch & Lomb, Incorporated
One Bausch & Lomb Place
Rochester, New York 14604
January 18, 2006